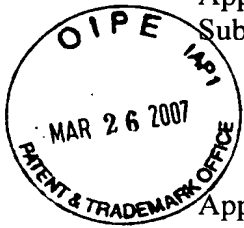


IFW



Application Serial No. 10/595,647
Submission dated March 22, 2007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/595,647 Confirmation No. 4020
Applicant : Achim Menne
Filed :
Title : STARTING UNIT
TC/A.U. : tbd
Examiner : tbd

Atty. Docket No. : VOI0258 Corresponding to:
Customer No. : 0832 PCT/EP2004/012700
Filed: November 10, 2004

SUBMISSION OF INTERNATIONAL PRELIMINARY EXAMINATION REPORT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith is an English translation of the International Preliminary
Examination Report.

Respectfully submitted,

John F. Hoffman
Registration No. 26,280
Attorney for Applicants

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CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being
deposited with the United States Postal Service as First
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Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on:
March 22, 2007

JOHN F. HOFFMAN, REG. NO. 26,280

Name of Registered Representative

Signature

March 22, 2007

Date

(PCT Article 36 and Rule 70)

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/012700

Box No. I

Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language _____ which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3 and 23.1(b))
- ☐ publication of the international application (Rule 12.4)
- ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages 1-21 _____ as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☒ the claims:
- nos. 6-17 _____ as originally filed/furnished
- nos.* _____ as amended (together with any statement) under Article 19
- nos.* 1-5 _____ received by this Authority on 14.09.2005 with telefa
- nos.* _____ received by this Authority on _____
- ☒ the drawings:
- sheets 1/5-5/5 _____ as originally filed/furnished
- sheets* _____ received by this Authority on _____
- sheets* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/012700

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	8-17	YES
	Claims	1-7	NO
Inventive step (IS)	Claims	10	YES
	Claims	1-9, 11-17	NO
Industrial applicability (IA)	Claims	1-17	YES
	Claims		NO

2. Citations and explanations (Rule 70.7)

1. This report makes reference to the following documents:

D1: US-A-2 731 119 (BURDETT HARRY W ET AL)
17 January 1956 (1956-01-17)
D2: US-A-3 952 508 (BOPP ET AL) 27 April
1976 (1976-04-27)

2. The present application does not meet the requirements of PCT Article 33(1), because the subject matter of claim 1 lacks novelty within the meaning of PCT Article 33(2).

D1 discloses (the reference signs in parentheses refer to D1):

a hydrodynamic coupling
- having an input that can be coupled to a drive (28) and an output that can be coupled to a drive output (10);
- having a hydrodynamic component comprising a primary impeller (24) and a secondary impeller (18) which, together, form an

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Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

operating chamber that can be filled with operating material;

- having a switchable coupling (50,52) comprising at least two coupling elements that can be operatively linked in a frictionally engaged manner directly or indirectly via transmission means, the two coupling elements being a first coupling element (50) and a second coupling element (52), each of which is coupled, at least indirectly, in a rotationally fixed manner to the input (28) and the output (10), and the coupling elements are actuated via an adjusting device (18);
- having a housing (16) that is stationary or coupled to the primary impeller (18) in a rotationally fixed manner and encloses in the axial direction at least one impeller (18) while forming at least one operating material guide channel or chamber (23);
- the adjusting device (18) of the switchable coupling (50,52) is at least indirectly coupled to the operating material supply channel or chamber (23) as a source of pressure, the operating material supply channel or chamber (23) being at least indirectly connectable to an operating material supply line;
- having means (18) for influencing the transmission behavior of the hydrodynamic component (displacement of the secondary impeller);

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
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	<ul style="list-style-type: none">- the means comprise built-in mechanical parts (18) that are actuatable by pressure means, said parts acting at least indirectly on the operating circuit adjusting itself in the operating chamber;- the built-in mechanical parts (18) that are actuatable by pressure means are acted upon by pressure means from the supply channel or the first operating material guide channel or chamber (23), the position, opposite the operating chamber, of the built-in mechanical parts that are actuatable by pressure means being a function of the difference in pressure between the pressure means diverted from the supply channel or from the first operating material guide channel or chamber (23) on the one hand, and the pressure inside the housing in the area of the adjusting device on the other.
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3. Dependent claims 1-9 and 11-17 (if not according to claim 10) contain no features that, in combination with the features of any claim to which they refer, meet the PCT requirements for novelty and inventive step, because the features appear to relate to simple design measures or are already known from D1 or D2; see the corresponding text passages indicated in the search report.

4. The combination of features contained in claim 10 is neither known from nor rendered

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Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
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obvious by the available prior art.

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International application No.

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Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

5. The amendments submitted with the letter of 14 September 2005 introduce substantive matter which, contrary to the requirements of PCT Article 34(2)(b), goes beyond the disclosure of the international application as filed. The amendments are as follows:

"the means comprise built-in mechanical parts that can be actuated by pressure means in the form of separate elements that can be inserted into the operating chamber or of portions of the walls that guide the flow in the operating chamber, which parts act at least indirectly on the operating circuit that adjusts itself in the operating chamber";

These amendments were taken from the description, page 5, lines 16-21, but only a portion of the information was taken from the sentence (after the word "**or**"). The last two lines, in particular, are missing.

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Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

6. The term "adjusting device" (last line of claim 1) was not previously defined (as an adjusting device for the built-in mechanical parts).
7. Two different elements are denoted with the same name: adjusting device (15) and adjusting device (26). For this reason claims 1 and 4-8 lack clarity.
8. The reference signs "56" and "62" used to refer to the intermediate chamber (claim 10) were not found in the drawings.